

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-15114-2019

Date of Decision:07.05.2019

DANVIR SINGH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

HARI PAL VERMA, J. (ORAL)

Prayer in the present petition filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioner in case FIR No.262 dated 31.12.2018 registered under Sections 498-A, 406, 494 IPC at Police Station Palla, District Faridabad.

The aforesaid FIR was registered at the behest of Kavita d/o Balbir. As per the FIR, she got married with the petitioner on 01.06.2005 and as per the status of the parents, sufficient dowry articles were given. But as the accused started demanding more dowry and on her inability to fulfill the demands, she was given beatings. She has three children i.e. two sons of 11 years and 9 years old, whereas daughter is of 7 years old. Instead of taking care of the family, the accused has now started residing with another lady.

Learned counsel for the petitioner has argued that so far as the offence under Section 494 IPC is concerned, that is bailable. Moreover, it is during the course of trial, this fact would be established on the basis of evidence. Similarly, the marriage of the petitioner with the complainant-Kavita was solemnized on 01.06.2005 and it is too difficult to accept the allegation of demand of dowry after marriage having been solemnized on 01.06.2005. He refers to the judgment of Hon'ble Supreme Court in the case of **Jaskaran Singh Vs. State of Punjab and anr, 2017 (2) R.C.R. (Criminal) 842** . He has further argued that the petitioner is ready to take the complainant with him as his wife and that he has not solemnized any marriage with Reena @ Khusbhu.

On the other hand, learned State counsel, on instructions from ASI-Satbir Singh, states that conduct of the petitioner does reflect that he is accused in another case under Section 307 IPC. The track record of the petitioner is not above board as he remained in jail in the criminal case. He further argued that the petitioner has not approached this Court with clean hands. During the substance of his marriage with Kavita, the petitioner has solemnized another marriage with Reena @ Khushbu on 19.11.2018 and is residing with her. Thus his conduct do not warrant the relief of anticipatory bail. Moreover, when the mother of the petitioner had shown her protest for this marriage with Reena @ Kavita, the petitioner has ousted his own mother as well, for which, the statement of the mother of the petitioner under Section 161 Cr.P.C has also been recorded.

I have heard learned counsel for the parties.

The present FIR has been registered under Sections 498-A, 406,

494 IPC. The referred judgment is clearly distinguishable for the reason that the petitioner is involved in another case and remained in custody as well. The conduct of the petitioner does reflect that he has not disclosed the factum of the marriage solemnized with Reena @ Khushbu on 19.11.2018 for which there is marriage certificate issued by Arya Samaj Mandir, Greater Noida, Gautam Budh Nagar, U.P. Further when the mother of the petitioner protested the second marriage of the petitioner with Reena @ Khushbu even she has also been ousted from the home. Thus he has left the family unattended. He has three minor children and wife, who are struggling for their survival. The conduct of the petitioner does not entitle him to be admitted on anticipatory bail.

Dismissed.

(HARI PAL VERMA)

JUDGE

May 07, 2019

Jyoti-1 Whether speaking/reasoned Yes/No Whether Reportable Yes/No